

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Planning, Research & Development

**AGENDA DATE:** Introduction – November 16, 2004  
Public Hearing – December 07, 2004

**CONTACT PERSON/PHONE:** Fred Lopez, 541-4925

**DISTRICT(S) AFFECTED:** 6

**SUBJECT:**

An Ordinance changing the zoning of Parcel 1: A portion of Tract 17C60, 17C61, 17C23, 17C181, 17C182, 17C9, 17C1, and 17C2, Block 79, Section 8, Township 3, Texas and Pacific Railroad Surveys, El Paso, El Paso County, Texas from R-3 (Residential) to C-4 (Commercial) and imposing certain conditions; and Parcel 2: A portion of Tract 17C60, 17C61, 17C23, 17C181, 17C182, 17C9, 17C1, and 17C2, Block 79, Section 8, Township 3, Texas and Pacific Railroad Surveys, Texas and Pacific Railroad Surveys, El Paso, El Paso County, Texas from R-3 (Residential) to C-2 (Commercial) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Patricia Diamanti, Danny and Jeanette Powell, Fred and Lucile Sword, and Mary Fonte. ZON04-00127 (District 6)

**BACKGROUND / DISCUSSION:**

See attachment.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** George Sarmiento, AICP

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_



**PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT**  
**MEMORANDUM**

**DATE:** November 8, 2004

**TO:** The Honorable Mayor and City Council  
Ms. Joyce A. Wilson

**FROM:** Planning, Research & Development Department

**SUBJECT:** ZON04-00127

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The City Plan Commission (CPC), on October 28, 2004, voted **6 - 0** to recommend **APPROVAL** of rezoning the subject property from R-3 (Residential) to C-4 (Commercial) with conditions for Parcel 1 and C-2 (Commercial) with conditions for Parcel 2, concurring with Staff's recommendation.

**CPC Recommended Conditions:**

**Parcel 1 conditions:**

*The following uses shall be prohibited: automobile, light and heavy trucks, buses, motorcycles and boats sales, storage, rental or service; sales, storage, repair and rental of tractors, heavy trucks, farm equipment, contractor's equipment and heavy vehicles and equipment; trailer, mobile home, travel trailer and recreational vehicle sales, display and repair; and contractor's yard.*

**Parcel 2 conditions:**

*A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the easterly property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.*

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

There was **NO OPPOSITION** to this request.

## ***STAFF REPORT***

***Rezoning Case:*** ZON04-00127

***Property Owner(s):*** Patricia Diamanti, Danny and Jeanette Powell,  
Fred and Lucile Sword, Mary Fonte

***Applicant(s):*** Patricia Diamanti, Danny and Jeanette Powell,  
Fred and Lucile Sword, Mary Fonte

***Representative(s):*** Conde, Inc.

***Legal Description:*** Tract 17C60, 17C61, 17C23, 17C181, 17C182, 17C9, 17C1, and  
17C2, Block 79, Section 8, Township 3, Texas and Pacific  
Railroad Company Surveys

***Location:*** Zaragoza Road North of Picasso Drive

***Representative District:*** # 6

***Area:*** 15.36 Acres

***Present Zoning:*** R-3 (Residential)

***Present Use:*** Vacant

***Proposed Zoning:*** C-4 (Commercial)

***Proposed Use:*** Commercial development

***Surrounding Land Uses:***

<b>North -</b>	R-3 (Residential) / vacant
<b>South -</b>	R-5 (Residential) / single-family residential development
<b>East -</b>	R-3 (Residential) / vacant
<b>West-</b>	C-4 (Commercial) / vacant

***Year 2025 Designation:*** **Residential** (East Planning Area)

**CITY PLAN COMMISSION HEARING, October 28, 2004,  
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

**Zoning Case: ZON04-00127**

**General Information:**

The applicants are requesting a rezoning from R-3 (Residential) to C-4 (Commercial) in order to permit commercial development. The entire property is 15.36 acres in size and is currently vacant. The proposed site plan shows thirty-one (31) commercial buildings to be located on the site. Access is proposed via Zaragoza Road. There are no zoning conditions currently imposed on this property.

**Information to the Commission:**

The Planning Department has received no calls or letters in support or opposition to this application.

**Staff Recommendation:**

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this request for rezoning from R-3 (Residential) to C-4 (Commercial) with conditions for Parcel 1 and C-2 (Commercial) with conditions for Parcel 2. Please see the enclosed map for more information.

**Parcel 1 conditions:**

The following uses shall be prohibited: automobile, light and heavy trucks, buses, motorcycles and boats sales, storage, rental or service; sales, storage, repair and rental of tractors, heavy trucks, farm equipment, contractor's equipment and heavy vehicles and equipment; trailer, mobile home, travel trailer and recreational vehicle sales, display and repair; and contractor's yard.

**Parcel 2 conditions:**

A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the easterly property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

The recommendation is based on the following:

**The Plan for El Paso** City-Wide Land Use Goals recommend that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”

**The Year 2025 Projected General Land Use Map** for the **East** Planning Area designates this property for **Residential** land uses.

**C-4/c (Commercial/conditions) and C-2/c (Commercial/conditions) zoning** permits commercial development and **is compatible** with adjacent development.

The Commission must determine the following:

- A. Will the C-4/c (Commercial/conditions) for Parcel 1 and the C-2/c (Commercial/conditions) zoning on Parcel 2 protect the best interest, health, safety and welfare of the public in general?
- B. Will commercial development on Parcels 1 and 2 compatible with adjacent land uses?

**Information To The Applicant:**

Building Permits and Inspections Department Notes:

No objections to the zoning change.

Engineering Department, Development Division Notes:

No comments.

Engineering Department, Traffic Division Notes:

- A. No apparent traffic concerns.
- B. Entrances to Zaragoza shall be coordinated with TXDOT.
- C. Sidewalks shall be provided on Zaragoza Road.

Fire Department Notes:

Zoning change does not adversely affect the Fire Department.

El Paso Water Utilities Notes:

No comments.

Planning, Research & Development Department Notes:

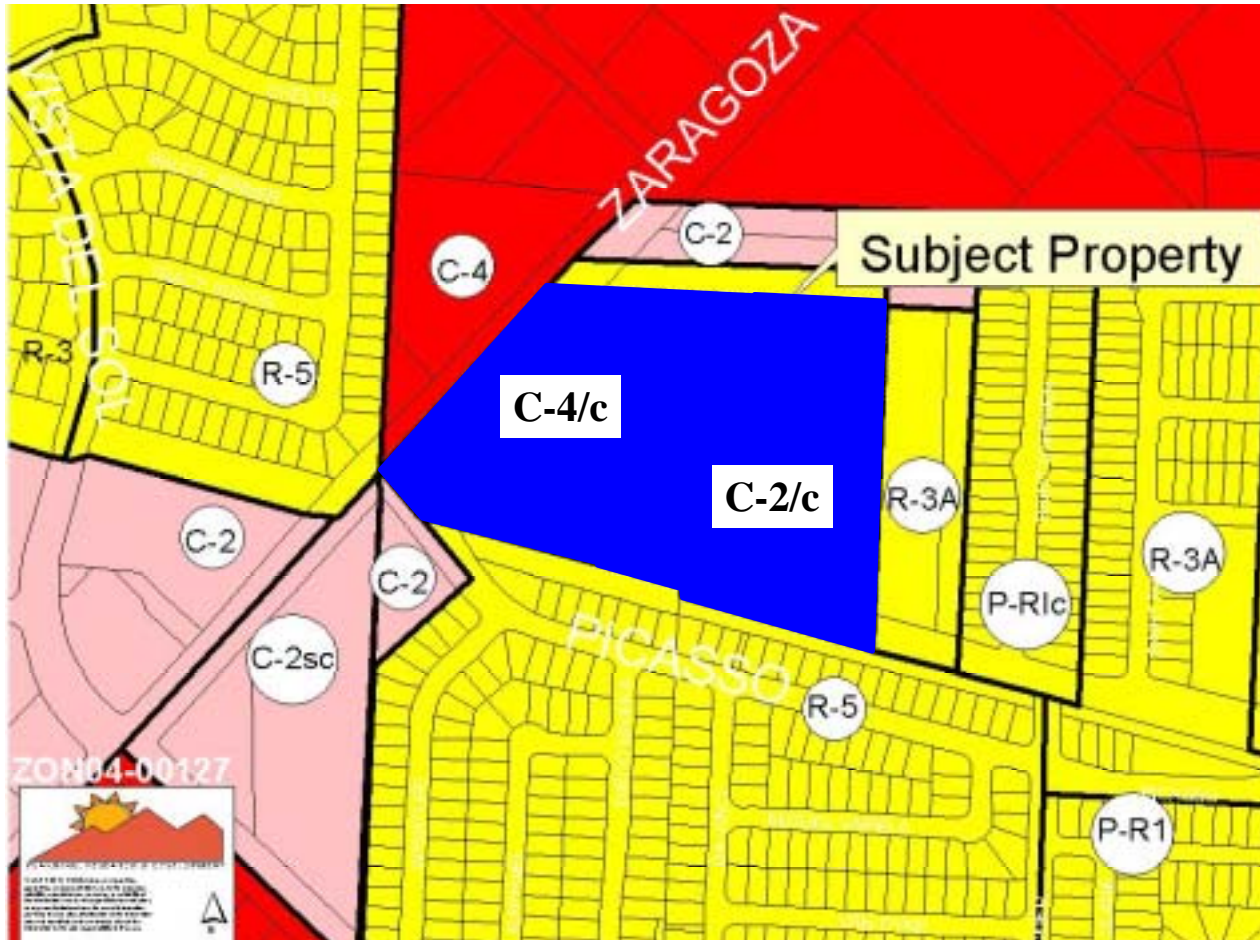
- A. The Year 2025 Projected General Land Use Map for the East Planning Area designates this property for Residential land uses.
- B. C-4/c (Commercial/conditions) and C-2/c (Commercial/conditions) zoning permits commercial development and is compatible with adjacent development.

**ATTACHMENT:** Site Plan.

**NOTE TO THE PROPERTY OWNER:** CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (915) 541-4056.

## ZONING MAP

(DCC AND CPC RECOMMENDATION)



## AERIAL MAP





## GENERALIZED PLOT PLAN





ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 17C60, 17C61, 17C23, 17C181, 17C182, 17C9, 17C1, AND 17C2, BLOCK 79, SECTION 8, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS; AND PARCEL 2: A PORTION OF TRACT 17C60, 17C61, 17C23, 17C181, 17C182, 17C9, 17C1, AND 17C2, BLOCK 79, SECTION 8, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-2 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the zoning of Parcel 1: *A portion of Tract 17C60, 17C61, 17C23, 17C181, 17C182, 17C9, 17C1, and 17C2, Block 79, Section 8, Township 3, Texas and Pacific Railroad Surveys, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed **from R-3 (Residential) to C-4 (Commercial)**; and Parcel 2: *A portion of Tract 17C60, 17C61, 17C23, 17C181, 17C182, 17C9, 17C1, and 17C2, Block 79, Section 8, Township 3, Texas and Pacific Railroad Surveys, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed **from R-3 (Residential) to C-2 (Commercial)**; within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That Parcels 1 and 2 be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-3 (Residential) to C-4 (Commercial) for Parcel 1, and from R-3 (Residential) to C-2 (Commercial) for Parcel 2, in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

**Parcel 1:**

*The following uses shall be prohibited: automobile, light and heavy trucks, buses, motorcycles and boats sales, storage, rental or service; sales, storage, repair and rental of tractors, heavy trucks, farm equipment, contractor's equipment and heavy vehicles and equipment; trailer, mobile home, travel trailer and recreational vehicle sales, display and repair; and contractor's yard.*

**Parcel 2:**

*A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the easterly property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.*

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefitted thereby, and without affecting the validity of this ordinance.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

**THE CITY OF EL PASO**

\_\_\_\_\_  
Joe Wardy, Mayor

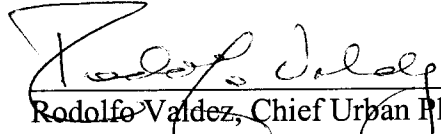
**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

(additional signatures on the following page)

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Fred Lopez, Zoning Coordinator  
Planning, Research & Development

  
\_\_\_\_\_  
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Matt Watson, Assistant City Attorney

**Acknowledgment**

THE STATE OF TEXAS     )  
  )  
COUNTY OF EL PASO     )

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2004,  
by JOE WARDY as MAYOR of THE CITY OF EL PASO.

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
\_\_\_\_\_

Being portion of Tracts 17C-60,  
17C-61, 17C-23, 17C-181, 17C-182,  
17C-9, 17C-1, AND 17C-2, Section 8,  
Block 79, Township 3, T. & P. R.R. Surveys  
City of El Paso, El Paso County, Texas  
Prepared for: Juan Uribe  
November 1, 2004  
(PARCEL-1)  
From R-3 to C-4

## Exhibit "A"

### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tracts 17C-60, 17C-61, 17C-23, 17C-181, 17C-182, 17C-9, 17C-1, and 17C-2, Section 8, Block 79, Township 3, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a found TX-DOT Disk set at the centerline intersection of Vista Del Sol Dr. and Zaragoza Rd. (FM 659), Thence along the centerline of Zaragoza Rd. (FM 659) North 39°36'01" East (rec. North 39°33'00" East) a distance of 1619.49 feet to a point from which a found TX-DOT Disk set for the point of inverse of said road centerline lies North 39°36'01" East (rec. North 39°33'00" East) a distance of 1025.51 feet; Thence South 50°23'59" East a distance of 50.00 feet to a point at the southeast right of way line of said road and the common corner of tracts 17C-13 and 17C-60, also being the "TRUE POINT OF BEGINNING".

Thence leaving said right of way and along the common boundary line of said tracts South 89°59'37" East (rec. South 90°00'00" East) a distance of 400.00 feet to a point;

Thence leaving said common boundary line South 24°15'07" West a distance of 724.50 feet to a point at the northerly line of a 100.0 foot right of way to Paso TEX pipeline recorded in book 1446, page 328, deed records of El Paso County, Texas;


Thence with said northerly right of way line North 77°59'02" West (rec. North 78°01'00" West) a distance of 438.58 feet to a point on the northeasterly line of Picasso Dr. (90.0 foot right of way) platted in Vista Ridge Unit One subdivision recorded in volume 59, page 29, plat records of El Paso County, Texas;

Thence with said northeasterly right of way line North 41°58'02" West (rec. North 42°00'00" West) a distance of 112.49 feet to a point on the at the southeasterly right of way line of Zaragoza Rd. (FM 659)

Thence with said right of way North 39°36'01" East (rec. North 39°33'00" East) a distance of 630.31 feet to the "TRUE POINT OF BEGINNING" and containing in all 6.984 acres of land more or less.

Bearing basis in true north for a Transverse Mercator Projection based at the center of this site.

job #804-104 T.C.

  
Tony G. Conde  
R.P.L.S. No. 2665

Being portion of Tracts 17C-60,  
17C-61, 17C-23, 17C-181, 17C-182, -  
17C-9, 17C-1, AND 17C-2, Section 8,  
Block 79, Township 3, T. & P. R.R. Surveys  
City of El Paso, El Paso County, Texas  
Prepared for: Juan Uribe  
November 1, 2004  
(PARCEL-2)  
From R-3 to C-2

#### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tracts 17C-60, 17C-61, 17C-23, 17C-181, 17C-182, 17C-9, 17C-1, and 17C-2, Section 8, Block 79, Township 3, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a found TX-DOT Disk set at the centerline intersection of Vista Del Sol Dr. and Zaragoza Rd. (FM 659), Thence along the centerline of Zaragoza Rd. (FM 659) North  $39^{\circ}36'01''$  East (rec. North  $39^{\circ}33'00''$  East) a distance of 1619.49 feet to a point from which a found TX-DOT Disk set for the point of inverse of said road centerline lies North  $39^{\circ}36'01''$  East (rec. North  $39^{\circ}33'00''$  East) a distance of 1025.51 feet; Thence South  $50^{\circ}23'59''$  East a distance of 50.00 feet to a point at the southeast right of way line of said road and the common corner of tracts 17C-13 and 17C-60; Thence leaving said right of way and along the common boundary line of said tracts South  $89^{\circ}59'37''$  East (rec. South  $90^{\circ}00'00''$  East) a distance of 400.00 feet to a point, also being the "TRUE POINT OF BEGINNING".


Thence along the common boundary line of said tracts, South  $89^{\circ}59'37''$  East (rec. South  $90^{\circ}00'00''$  East) a distance of 329.05 feet to a point at the northeast corner of Tract 17C-60.

Thence leaving the common boundary line of said tracts South  $00^{\circ}34'31''$  East (rec. South  $00^{\circ}34'31''$  East) a distance of 795.65 feet to a point at the northerly line of a 100.0 foot right of way to Paso TEX pipeline recorded in book 1446, page 328, deed records of El Paso County, Texas;

Thence with said northerly right of way line North  $77^{\circ}59'02''$  West (rec. North  $78^{\circ}01'00''$  West) a distance of 648.84 feet to a;

Thence leaving said northeasterly right of way line North  $24^{\circ}15'07''$  East a distance of 724.50 feet to the "TRUE POINT OF BEGINNING" and containing in all 8.278 acres of land more or less.

Bearing basis in true north for a Transverse Mercator Projection based at the center of this site.



Tony G. Conde  
R.P.L.S. No. 2665

job #804-104 T.C.